

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DAVID KRAMER,

Plaintiff,

-against-

ACIER HOLDINGS LLC, DOV ZABROWSKY,
MOSHE GLATZER, JACOB GLATZER and 289-301
WASHINGTON LLC,

Defendants.

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED

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Case No. 23-cv-2141 (SDW)

**NOTICE OF EXPIRATION
OF LIS PENDENS**

ORIGINAL

TO THE CLERK OF ESSEX COUNTY:

WHEREAS, on April 17, 2023, Plaintiff David Kramer filed with the Clerk of Essex County a certain Notice of Lis Pendens attached hereto as Exhibit 1 pertaining to the real property located at and therein-described as the land and premises, situate, lying and being in the City of Newark, County of Essex, State of New Jersey, known and designated as Block 73, Lot 92 on the tax map of the City of Newark, more commonly known as 289-301 Washington Street, Newark, New Jersey 07102, with a full description of the land and premises affected being attached thereto as Exhibit 1 (the "Notice of Lis Pendens"); and

WHEREAS, the Notice of Lis Pendens gave notice of the existence of the above-caption litigation (the "Litigation"), the complaint in which was filed on or about on April 17, 2023 (the "Complaint"); and

WHEREAS, Plaintiff failed to serve the Complaint in the Litigation for a period exceeding ninety (90) days from commencement; and

WHEREAS, on July 20, 2023, the Court issued a Notice Of Call For Dismissal Pursuant to Fed.R.Civ.P. 4(m) (the “Notice of Call for Dismissal” – attached as Exhibit 2);

WHEREAS, by way of an Order of Dismissal dated August 4, 2023, United States District Court Judge Susan D. Wigenton, dismissed the Complaint and the Litigation pursuant to Federal Rule of Civil Procedure 4(m) (the “Dismissal” – attached as Exhibit 3);

NOW THEREFORE, PLEASE TAKE NOTICE that the Notice of Lis Pendens has expired and is of no further force or effect.

Dated: New York, New York
February 24, 2024

MORRISON COHEN LLP

A handwritten signature in black ink, appearing to read 'Christopher Milito', is written over a horizontal line.

Christopher Milito
909 Third Avenue
New York, New York 10022
(212) 735-8600
Attorneys for Defendants

EXHIBIT 1
Notice of Lis Pendens

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Terrence A. Oved, Esq.
Aaron J. Solomon, Esq.
Oved & Oved LLP
Attorneys for Plaintiff
401 Greenwich Street
New York, New York 10013
Tel. 212.226.2700

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----X
DAVID KRAMER,

Plaintiff,

Case No.: 23-cv-2141

-against-

ACIER HOLDINGS LLC, DOV ZABROWSKY, MOSHE
GLATZER, JACOB GLATZER, and
289-301 WASHINGTON LLC,

NOTICE OF LIS PENDENS

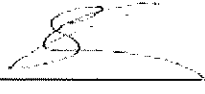
Defendants.
-----X

TO THE CLERK OF ESSEX COUNTY:

PLEASE TAKE NOTICE of the commencement and pendency of a suit in the United States District Court for the District of New Jersey, captioned as above. The land and premises affected by the lawsuit are all that certain tract or parcel of land and premises, situate, lying and being in the City of Newark, County of Essex, State of New Jersey, known and designated as Block 73, Lot 92 on the tax map of the City of Newark, more commonly known as 289-301 Washington Street, Newark, New Jersey 07102. A full description of the land and premises affected by the lawsuit is attached hereto as Exhibit A. The suit includes claims brought by Plaintiff seeking to impose a constructive trust upon the land and premises described above. The Complaint containing the claims in the above-entitled action was filed in the Office of the Clerk of the United States District Court for the District of New Jersey on April 17, 2023.

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Date: New York, New York
April 17, 2023



Terrence A. Oved, Esq.
Aaron J. Solomon, Esq.
Oved & Oved LLP
Attorneys for Plaintiff
401 Greenwich Street
New York, New York 10013
Tel. 212.226.2700

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EXHIBIT A

All that certain lot, tract or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in Newark City, County of Essex and State of New Jersey and is bounded and described as follows:

BEGINNING at a point in the westerly line of Washington Street (66.00 feet wide), said point being distant 210.40 feet northerly from the intersection of the said line of Washington Street with the northerly line of William Street (52.00 feet wide), being also the northeasterly corner of Lot 71, and from said beginning point running;

THENCE (1) Along the northerly line of the said lot, North 69 degrees 50 feet 00 seconds West, 143.13 feet, to the easterly line of lot 87;

THENCE (2) Along the easterly line of Lots 87 and 91, North 23 degrees 01 minutes 25 seconds East, 169.83 feet, to the northeasterly corner of the said lot;

THENCE (3) Along the northerly line of the said lot, North 68 degrees 48 minutes, 35 seconds West, 19.73 feet to the southeasterly corner of Lot 15;

THENCE (4) Along the easterly line of the said lot, North 22 degrees 05 minutes 45 seconds East, 20.89 feet to a corner therein;

THENCE (5) Along the southerly line of the said lot, South 68 degrees 59 minutes 30 seconds East, 158.31 feet, to the said line of Washington Street;

THENCE (6) Along the said line, South 21 degrees 34 minutes 00 seconds West, 188.58 feet, to the point and place of BEGINNING.

FOR INFORMATION ONLY:

County: Essex, Municipality: Newark City

Tax Block: 73, Tax Lot: 92

Address: 289-301 Washington St., Newark, NJ 07102

EXHIBIT 2
Notice of Call for Dismissal

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**UNITED STATES DISTRICT COURT
FOR THE District of New Jersey [LIVE]
U.S. District Court for the District of New Jersey**

DAVID KRAMER

Plaintiff,

v.

Case No.: 2:23-cv-02141-SDW-JBC
Judge Susan D. Wigenton

ACIER HOLDINGS LLC, et al.

Defendant.

Notice Of Call For Dismissal Pursuant to Fed.R.Civ.P. 4(m)

Please take notice that the above-captioned action will be dismissed on 8/3/2023, for failure to effect service of the summons and complaint within 90 days of the filing of the complaint, unless you establish that service was effected within said 90 days, by filing proof of service with the Clerk of the Court before the return date of this notice. If proof of service is not filed before the return date, counsel of record or unrepresented parties may be required to appear before the Court, to show good cause why this action should not be dismissed.

Very truly yours,

CLERK OF COURT
By Deputy Clerk, cds

cc Plaintiff:
DAVID KRAMER

If applicable, counsel of record is directed to serve this notice to their client, whose street and post office address do not appear in the complaint as directed by Local Civil Rule 10.1, and to provide proof of service to the Court.

EXHIBIT 3
Dismissal Order

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DAVID KRAMER

Plaintiff(s),

v.

ACIER HOLDINGS LLC, et al.

Defendant(s).

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Civil 23-2141 (SDW)

Order for Dismissal
Pursuant to F.R. Civ. P.4(m)

It appearing that the above captioned action having been pending for more than 90 days and plaintiff having failed to effect service during this time and good cause having not been shown as to why this action should not be dismissed,

It is on this 4th day of August, 2023

O R D E R E D that the above captioned action be and is hereby dismissed, pursuant to F. R. Civ. P. 4(m), without prejudice and without costs.

s/Susan D. Wigenton
United States District Court Judge